

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1584 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

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Md. Musafir Miyan, son of Bandhu Miyan, resident of Village - Salwe, P.S. Balu Math, District - Latehar (Jharkhand).

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department.
2. The District Magistrate, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Officer Incharge of Sherghati (Dobhi) Police Station, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Arvind Kumar Singh, Advocate

For the Respondents : Mr. Vivek Prasad, GP 7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-09-2017

Heard learned counsels for the parties.

This writ application has been filed for quashing the order dated 11.08.2017 passed by the learned Special Judge, Excise, Gaya in connection with Sherghati P.S. Case No. 22 of 2017 a case registered under Sections 272, 273 and 414/34 of the Indian Penal Code and Sections 30(a) and 32(2) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

Commercial quantity of liquor which is prohibited in the State of Bihar was recovered from the vehicle of the petitioner bearing registration no. JH 03T-7788.

A Division Bench of this Court while releasing the vehicle in favour of the petitioner in C.W.J.C. No. 13670 of 2017 (**Subhash Thakur vs. The State of Bihar & Ors.**) ordered for release of the vehicle on furnishing bank guarantee equivalent to the



value of the vehicle.

Hence, let the aforesaid vehicle be released in favour of the petitioner on execution of the bank guarantee equivalent to the price of the vehicle to the satisfaction of the learned Special Judge, Excise, Gaya/successor Court.

With the aforesaid observation, this writ application stands dispose of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	23.09.2017
Transmission Date	23.09.2017

